

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION

MDL NO. 1456

MASTER CASE NO. 01- cv-12257-PBS

THIS DOCUMENT RELATES TO:

SUB-CATEGORY CASE: 1:09-cv-12056

*State of Mississippi v. Forest Laboratories,
Inc. and Forest Pharmaceuticals, Inc.,*
No. 09-cv-12065

Judge Patti B. Saris

**DEFENDANTS FOREST LABORATORIES, INC. AND FOREST
PHARMACEUTICALS, INC.'S RULE 26(A) INITIAL DISCLOSURES**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendants Forest Laboratories, Inc. and Forest Pharmaceuticals, Inc. (collectively “Forest”), by and through their attorneys, make the following initial disclosures:

INTRODUCTORY STATEMENT

The following disclosures are made based upon the information reasonably available to Forest as of this date. Forest reserves the right to supplement, amend, or modify these disclosures as new information becomes available. By making these disclosures, Forest does not represent that it has identified every witness possibly relevant to this lawsuit. Rather, Forest's disclosures represent a good faith effort at this early stage to identify persons likely to have discoverable information that Forest may use to support its claims or defenses based upon its understanding of the State of Mississippi's Complaint (the "Complaint").

Forest's Rule 26(a)(1)(A)(i) Disclosure:

Forest states that the following individuals are likely to have discoverable information that Forest may use to support its claims or defenses. Forest states further

that the identity of additional individuals with relevant information might be found in documents produced in this case and reserves the right to supplement this list. All current or former employees of Forest should be contacted through Forest's counsel.

1. All of those persons identified in Plaintiff's Initial Disclosures pursuant to Rule 26 and any current and former employees, agents, consultants, and contractors for the State of Mississippi's State and School Employees' Life and Health Insurance Plan (the "State Health Plan"), as well as other employees, agents, consultants, contractors or officials of the State of Mississippi responsible for administering the State Health Plan, including, but not limited to, the State and School Employees Health Insurance Plan Board, and the Mississippi Department of Finance and Administration, Office of Insurance, as well as any predecessor entities. Such persons may have knowledge regarding: coverage and reimbursement of Forest products that were administered to the State Health Plan's beneficiaries; the pricing benchmarks for Forest products; and healthcare providers' actual costs for Forest products.
2. Current and former employees of any Pharmacy Benefit Manager ("PBM") responsible for the administration of the State Health Plan's prescription drug benefit, including, but not limited to employees, contractors and consultants of Caremark/Advance PCS and Catalyst Rx, or any predecessor or successor thereof, or any other entity responsible for the management of the State Health Plan's prescription drug benefit. Such persons may have knowledge regarding: coverage and reimbursement of Forest products that were administered to the State Health Plan's beneficiaries; the pricing benchmarks for Forest products; and healthcare providers' actual costs for Forest products.
3. Healthcare providers who purchase and administer Forest drugs and therapies. Such persons may have knowledge regarding: coverage and reimbursement of Forest products by the State Health Plan; payments or co-payments by State Health Plan beneficiaries; and healthcare providers' actual costs for Forest products.
4. Current and former employees of the price reporting services or compendia referred to in Paragraph 16 of the Complaint. Such persons have knowledge regarding information communicated to them by Forest and the prices these entities reported and the methods by which these entities determined the prices reported.

5. Current and former employees of Third Party Payors who reimburse for products manufactured by Forest. Such persons may have knowledge regarding the pricing and reimbursement of products manufactured by Forest and regarding prices reported in various pricing compendia.
6. Current and former employees of wholesalers who purchase products manufactured by Forest and distribute them to healthcare providers who fulfill prescriptions. Such persons may have knowledge regarding prices charged to providers of products manufactured by Forest and regarding prices reported in various pricing compendia.
7. Current and former employees of Forest. Such persons have knowledge regarding the pricing, marketing, sale, and distribution of Forest's products. Among those current or former employees with relevant knowledge are the following:

<u>NAME</u>	<u>CURRENT OR FORMER TITLE</u>	<u>CURRENT OR FORMER ADDRESS</u>
Azzari, Gerard	Senior Vice President, Sales	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Baker, Michael	Executive Vice President, National Accounts	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Carnevale, Robert	Director, Alliance Management	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Claeys, Laurie	Associate Director, Government Contracts	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Devlin, Mark	Vice President, Markets, Government & Policy	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Fernandez, Gimbert	Product Director	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Guzman, Jeannie	Former Medicaid Specialist	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Hepler, Carol	Director, National Accounts	Forest Laboratories, Inc. 500 Commack Road Commack, NY 11725

<u>NAME</u>	<u>CURRENT OR FORMER TITLE</u>	<u>CURRENT OR FORMER ADDRESS</u>
Hochberg, Elaine	Senior Vice President, Chief Commercial Officer	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Jakopec, Carl	Director, Federal Government Affairs	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Lynch, Jerome	Senior Vice President, Sales	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
MacDonald, Don	Vice President, Contract Reimbursements and Analysis	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
MacPhee, John	Former Vice President, Product Management	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Meury, William	Vice President, Marketing	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Nee, Thomas	Vice President, New Products	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Perotta, Lorraine	Senior Manager, Inwood Sales	Forest Laboratories, Inc. 500 Commack Road Commack, NY 11725
Reed, Michael	Director, National Sales	Forest Pharmaceuticals, Inc. 13600 Shoreline Drive St. Louis, MO 6304
Reed, Paul	Senior Director, Trade Accounts	Forest Pharmaceuticals, Inc. 13600 Shoreline Drive St. Louis, MO 6304
Shane, John	Director, National Trade Accounts	Forest Pharmaceuticals, Inc. 13600 Shoreline Drive St. Louis, MO 6304
Termini, Ken	Senior Care Representative	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022
Viola, Kenneth	Associate Director, Credit	Forest Laboratories, Inc. 500 Commack Road Commack, NY 11725
Zimmerman, Joseph	Director, Compliance	Forest Laboratories, Inc. 909 3rd Ave New York, NY 10022

8. In addition, Forest incorporates by reference all persons identified in the Rule 26 disclosures of any other defendant in the State of Mississippi cases in MDL 1456 organized under subcategory case number 09-12056 pursuant to the Case Management Order dated May 4, 2011.

Forest's Rule 26(a)(1)(A)(ii) Disclosure:

Forest states that it has previously produced documents in connection with In Re Pharmaceutical Industry Average Wholesale Price Litigation, MDL No. 1456, Civil Action Number 01-12257-PBS, and other state actions, pursuant to the Stipulation Concerning the Use of Documents and Data Produced by Forest ("Sharing Stipulation"), dated December 3, 2007. Plaintiff in this action, upon execution of an appropriate sharing stipulation, will have access to this production. Accordingly, Forest states that it has complied with this Rule.

Forest's Rule 26(a)(1)(A)(iii) Disclosure:

Forest states that no such documents exist and that this Rule is not applicable to Forest. Forest will seek an award of costs and attorneys' fees for its defense of this case.

Forest's Rule 26(a)(1)(A)(iv) Disclosure:

Forest states no insurance agreement exists which may satisfy all or part of a possible judgment.

Dated: July 1, 2011

By: /s/ Peter J. Venaglia
Peter J. Venaglia
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W. Patrick Downes
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*Attorneys for Forest Laboratories, Inc. and
Forest Pharmaceuticals, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2011, I, W. Patrick Downes, an attorney, caused a true and correct copy of the foregoing to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ W. Patrick Downes

W. Patrick Downes